

MINUTES OF THE REGULAR NORWALK CITY COUNCIL MEETING ON 5-21-15
(unabridged version)

Mayor Phillips called the City Council meeting to order at 6:0 p.m. Present at roll call: Eric Delker, Erika Isley, Kyle Jackson and Jaki Livingston.
Absent: Tom Greteman (RC = roll call vote)

Staff present included: Marketa Oliver, City Manager; Jodi Eddleman, Deputy City Clerk (later sworn in as City Clerk); Tim Hoskins, Public Works Director; Dustin Huston, Fire Chief; Nancy Kuehl, Parks and Recreation Director; Holly Sealine, Library Director; Greg Staples, Police Chief; Wade Wagoner, Planning and Economic Development Director and Luke Parris, City Planner.

Phillips noted item 6g, Approval of updated job descriptions for City Clerk and Finance Director and item 21, Discussion regarding library roof funding, are to be removed from the agenda. Item 6g was a duplicate item.

15-078 Isley moved Livingston seconded to approve **agenda** as amended. Voice vote carried unanimously.

Presentation(s)
There were none.

Welcome of Guests and Public Comment
Phillips welcomed those guests present. With no one present wishing to speak, the business portion of the meeting was opened.

15-079 Livingston moved Isley seconded to approve **minutes** of the May 7th regular council meeting. Voice vote carried unanimously.

Consent included **tax abatement** applications; **liquor license** renewals for Caseys General Store #3422 ; **Street closure** – Soap Box Derby on June 13, 2015; **Block Party** – 1400 – 1700 Parkhill Drive on June 2, 2015; **Approval** to begin RFP for audit services for the City of Norwalk for FY 15-16; **Purchase** of picnic tables for park \$6711.00 from grant awarded; **Receive** and file 13/14 audit for the City of Norwalk; Receive and file monthly department reports and treasurers report; **Third, and final reading of ordinance amending the Master plan and Rules, Regulation, and Guidelines for the Echo Valley Community Planned Unit Development as contained in Ordinance No. 03-08.** And expenditures:

DAVIS EQUIPMENT	EQUIPMENT	\$58.89
DES MOINES WATER WORKS	DES MOINES WATER WORKS	\$29,592.76
DORISA SIMPSON	REFUND SWIM	\$30.00
EAGLE ENGRAVING INC	EAGLE ENGRAVING INC	\$15.20
ELECTRICAL ENGINEERING EXPENSE	BLDG MAINT	\$167.61
REDUCTION	PAYMENT FOR SERV	\$472.87
FAREWAY	SUPPLIES	\$99.50
FARMERS COOP	SUPPLIES	\$47.75
FIRE SERVICE TRAINING	FIRE SERVICE TRAINING BUREAU	\$25.00
FREEDOM TIRE	REPAIRS/SUPPLIES	\$577.80
G & L CLOTHING	CLOTHING ALLOW	\$501.82
GREGG YOUNG	REPAIR	\$1,620.41
GRIMES ASPHALT	GRIMES ASPHALT AND PAVING CO	\$452.60
HALLETT MATERIALS HARVEY'S	HALLETT MATERIALS	\$1,734.29
AUTOMOTIVE	REPAIR	\$1,108.57
INDIANOLA FIRE DEPT	BILLING	\$700.00
INDOFF INC	SUPPLIES	\$282.45
INTL CONSTRUCTION	EQUIPMENT	\$296.71
IOWA WINDOW	PAYMENT FOR SERV	\$85.00

SERVICE

KUEHL, NANCY	REIMBURSEMENT	\$216.63
LESLIE MAYNES	REFUND SWIM	\$60.00
LIVING MAGAZINE	NORWALK GUIDE	\$2,100.00
MCDANIEL		
CONSULTING	CONSULTING	\$200.00
MEDICAP		
PHARMACY	SUPPLIES	\$149.30
MENARDS	EQUIP/SUPPLIES	\$273.68
MERCY COLLEGE	EDU/TRAINING	\$10.00
METRO WASTE		
AUTHORITY	COLLECTION COSTS	\$40,187.78
MID IOWA ASSOC.		
LOCAL	FY 15 16 DUES	\$577.67
MIDAMERICAN	MIDAMERICAN	
ENERGY	ENERGY	\$15,194.23
MIKE MYER		
SERVICES	NUISANCE	\$80.00
MUNICIPAL SUPPLY	MUNICIPAL SUPPLY	\$6,647.00
NICHOLS	NICHOLS EQUIPMENT	
EQUIPMENT LLC	LLC	\$318.00
NORTH WARREN		
TOWN	PUBLICATIONS	\$108.50
NORWALK		
HARDWARE &		
AUTO	SUPPLIES/REPAIR	\$594.31
NORWALK READY		
MIXED	CONCRETE	\$284.75
NORWALK SOCCER		
CLUB	REF	\$420.00
PARKER SIGNS &	PARKER SIGNS &	
GRAPHICS	GRAPHICS INC	\$3,033.00
PLASTIC		
RECYCLING	PICNIC TABLES	\$6,711.00
PURCHASE POWER	POSTAGE	\$1,077.63
REASONER'S		
GARAGE	REPAIRS	\$469.46
RED WING SHOE		
STORE	CLOTHING ALLOW	\$204.00
REGISTER MEDIA	PUBLIC HEARING	\$368.68
SAMS CLUB	SUPPLIES	\$466.60
SCOTTS FOODS	SUPPLIES	\$185.65
TASER		
INTERNATIONAL	TASER INTERNATIONAL	\$180.76
TERMINIX	SERVICE AGREEMENT	
INTERNATIONAL	CHALL	\$462.00
THE GRAPHIC EDGE	THE GRAPHIC EDGE	\$232.14
TREASURER, CITY		
HALL	TREASURER, CITY HALL	\$76,973.90
USA BLUE BOOK	USA BLUE BOOK	\$36.39
VEENSTRA & KIMM		
INC.	NW TRUNK SEWER	\$22,553.54
VILLAGIO	MTG/	\$109.25
	WARNER PLASTICS &	
WARNER PLASTICS	LINERS INC	\$1,147.00
WARREN CO		
EXTENSION	BABYSITTING CLINIC	\$420.00

15-080 Livingston moved Jackson seconded to approve **consent**. RC vote passed unanimously.

Consideration of resolution adopting position descriptions, compensation for certain positions (City Clerk and Finance Officer) and a revised organizational chart and appointing a new City Clerk

15-081 Delker moved Livingston seconded to approve the **Resolution No. 0521-15-042** adopting position descriptions (City Clerk and Finance Officer), compensation for certain positions and a revised organizational chart. Mayor Phillips swore in Jodi Eddleman as new City Clerk. RC vote passed unanimously.

Discussion of possible action regarding request for urban chickens

Steve Austin, 2109 Windflower Drive, is requesting to be granted permission to raise 4 egg-laying hens for personal consumption. He likes the grown his own food and raising chickens is like growing his own garden. Backyard hens provide high quality eggs and they eat bugs. The waste from the chicken will enhance his compost pile. Urban chickens pose no greater health risks than cats and are not as noisy as dogs.

Livingston asked if he has talked to his neighbors and he said the ones he talked to all supported it. Livingston asked if his backyard was fenced. Austin said yes. Isley said he indicated his coop would be proportionate to size of other buildings and asked what that would be. He said four to six-square feet per chicken. Jackson asked if the nuisance code covered smell and Oliver said yes. Livingston asked if he talked to both neighbors on the side and behind him. He said he talked with the side neighbors but not the ones behind him. He has a very deep backyard and there would be quite a distance between.

Isley would like to consider an ordinance and thinks the information in the packet is going in the right direction. She would like to consider a setback. Dougherty has a copy of the ordinance from 2009. Jackson said he would be in favor of looking at it and is in favor of this request.

Parris said normal accessory structure is 5 feet from rear lot and 3 feet from side lot line and 25 feet from any other structure on a neighboring property. Dougherty said he would add a caveat that if council passed an ordinance, Mr. Austin would have to comply with it.

Isley would like the ordinance only to be for R1 districts. There was consensus to bring back an ordinance for council consideration.

15-082 Livingston moved to grant the request, subject to the restrictions noted and setbacks. Jackson seconded to grant request subject to the restrictions and setbacks for hen house. Roll call passed 3 to 1 with Delker voting nay.

Public Hearing regarding Planned Unit Development for Holland property.

Mayor Phillips opened the public hearing at 6:25 pm concerning Holland Planned Unit Development. Eddleman reported that no written or oral comments were received. With no public comment, Phillips closed the public hearing at 6:26 p.m.

Public Hearing adoption of the City of Norwalk 2014/2015 Budget amendment.

Mayor Phillips opened the public hearing at 6:27 pm concerning adoption of the City of Norwalk Budget Amendment for fiscal year 2014/2015. Eddleman reported that no written or oral comments were received. With no public comment, Phillips closed the public hearing at 6:27 p.m.

Consideration Resolution for Adopting the City of Norwalk Budget Amendment for fiscal year 2014/2015.

15-082 Livingston moved and Isley seconded to approve **Resolution No. 0521-15-043** adopting the City of Norwalk Budget Amendment for fiscal year 2014-2015. RC vote passed unanimously

Consideration of a resolution approving the Old School Plat 1 Preliminary Plat.

Parris said the Old School Plat 1 preliminary plat includes 7 single family lots and an out lot for future development. The plat is currently zoned R1. The parkland dedication has not been addressed yet but will be finalized before the final plat is approved.

Jackson asked if the new sewer lines would service School Avenue. Parris responded that the new sewer line goes along back of the lots. Livingston asked if there would be a sidewalk. Parris responded that yes there would be a 5 foot sidewalk that would meet standards. Livingston asked about the insufficient water pressure. Parris responded that the area is being upgraded to an 8 inch water main.

Hoskins will provide the council with the engineering agreement at the next council meeting. The bid letting will be near the end of July. Livingston asked the expected cost. Livingston asked

what the developer would contribute. Oliver responded that the cost is in the capital improvement plan and is between \$250 to 275,000. There is no cost to developer because existing lines are being replaced. Jackson asked if planning and zoning support the preliminary plat and Parris said yes.

15-083 Jackson moved and Isley seconded to approve **Resolution No. 0521-15-044** approving the Old School Plat 1 – Preliminary Plat. Roll call passed 3 to 1 with Livingston voting nay.

Presentation and Discussion regarding buffer yards.

Wagoner presented on buffer yards. The Council directed staff to review buffer yard requirements. Wagoner recommended following a table of buffer requirements that uses a planting multiplier if space is snug. Wagoner requests that council will consider instructing the planning and zoning commission make an amendment to the ordinance.

Isley asked if this could be changed in the zoning update. Jackson asked if the buffer would be enough. Wagoner stated that it would be satisfactory and that it is unrealistic to always have R1 zoning next to R2 zoning. This is the best possible solution to orderly growth of the community. Isley asked that the planning and zoning commission take a look at the buffer requirements.

Jim Dougherty left the meeting at 6:35 p.m.

Consideration of one or more readings of ordinance amending the Dobson Planned Unit Development.

Livingston asked about if the ditch will require large culvert or bridge. Hoskins responded that this addresses concerns on how affects the entire planned unit development but doesn't change the zoning. The buffer addresses the issue.

Isley asked about the phasing of the project. Jerry Oliver Civil Engineering Consultants addressed the council. Residential will be built in two sections connecting the street to the North. There is no timetable set but project would likely happen when commercial piece is developed. The Department Of Transportation would allow one access off the highway between Wright Road and Pine.

15-084 Delker moved Jackson seconded to approve **Ordinance 15-05** amending the master plan and rules, regulations and guidelines for the Dobson Planned Unit Development as contained in Ordinance No. 04-08. RC vote passed unanimously

Jackson moved and Delker seconded to waive the second and third reading. Motion failed with Isley voting nay. The second reading will appear on the June 4th meeting.

Consideration of resolution to enter into an agreement with Warren County concerning G14 Highway/North Avenue road project.

Oliver explained the agreement with Warren County would address the widening and resurfacing of G14 within the City limits of Norwalk. The City of Norwalk agrees to release a certain amount of TIF valuation, equal to that which was released last year, for the next two fiscal years, in exchange for the County doing the work on G14. The improvements would be to widen, repair and resurface G14 from R63 to 80th Street, both the area in the County and within the City limits. Work would take place later this summer

15-085 Livingston moved Delker seconded to approve **Resolution No. 0521-15-045** approving an agreement with Warren County for widening and resurfacing of G14 (North Avenue). RC vote passed unanimously

Consideration of resolution to enter into an agreement with the City of West Des Moines concerning construction of the S 8th Street/50th Avenue improvements.

15-086 Livingston moved Jackson seconded approve **Resolution No. 0521-15-046** approving a 28e agreement between the Cities of West Des Moines and Norwalk for the construction of S. 8th Street (West Des Moines) / 50th Avenue (Norwalk) Improvements. RC vote passed unanimously

Motion to remove possible consideration of resolution adopting updated personnel policies off the table.

15-087 Isley moved Delker seconded to remove off table. RC vote passed unanimously

Discussion and possible consideration of resolution adopting updated personnel policies.

Delker mentioned FMLA verbiage should be changed to rolling calendar year.

15-088 Livingston moved Delker seconded to approve **Resolution No. 0521-15-047** adopting the 2015 Employee Handbook personnel policy manual for the City of Norwalk as amended. RC vote passed unanimously

Discussion and possible action regarding temporary parking control associated with capital street construction projects.

Tim Hoskins said the temporary parking control during street construction projects ordinance will allow the police department opportunity to enforce nonresident to move a car.

Jackson has concerns about visitors of residents. Hoskins stated residents have been provided with passes for visitors and that none of the residents will have problems getting parking for themselves or visitors

15-089 Livingston moved Isley seconded to approve temporary parking control
RC vote passed unanimously

Livingston left meeting at 6:50 pm

Discussion regarding speed limit on Echo Valley Drive

Phillips stated that there had been a request to reduce the speed limit on Echo Valley Drive from 50 to 35. Oliver noted the property owner sent a letter to both Norwalk and Des Moines requesting the speed limit be lowered. Isley stated that she could see it be decreased to 45 but not 35. Jackson would like to hear why they want the speed limit changed. Hoskins stated that residents have concerns of possible accidents. The Police Chief said that speed trailer was placed on Echo Valley Drive last year and that data showed that cars were going the appropriate speed. The Chief believes that 35 is low and that the current speed limit is appropriate for what is occurring there.

Council would like more information from the requesting property owner.

Discussion regarding outdoor consumption and food trucks

Oliver said that there have recently been issues with outdoor consumption and with food trucks. The outdoor consumption stems from the confusion that it was thought in order for outdoor consumption to occur, a business had to have an outdoor service license. According to the Alcoholic Beverages Division, this is not the case. The ABD indicated that a license is not necessary for patrons to consume alcohol outside a bar. Additionally, regarding food trucks, there were a few in various places around Norwalk recently. Oliver had included the Des Moines' ordinance for council information.

Isley stated that Des Moines has identifies specific zones that allow food vendors on public streets. Jackson has concerns that the food trucks will navigate outside Des Moines and that the city needs to look at an ordinance to get ahead of any future issues.

Isley would like an ordinance that would consider exempting certain facilities from outdoor consumption considered. Council directed staff to work on crafting ordinances that would cover food truck and outdoor consumption.

Consideration of Change Order to NCIS Holly Street contract in the amount of \$7,621 for sidewalk replacement

15-090 Isley moved Delker seconded to approve **Resolution No. 0521-15-048** approving change order no. 1 for the Holly Drive reconstruction project with MPS Engineering PC. RC Vote carried unanimously

Reports

Sealine reports that the spring book sale is under way and will be put towards the "Raise the Roof" project. Summer read kickoff event will be held June 6th from 10 am to 2 pm.

Kuehl reports that soccer season is done and baseball practice began this week. The pool will be filled on weekend and will open when school gets out.

Huston said they are working on the upstairs and it is all framed and electrical nearly finished.

Staples attended Iowa Association of Chiefs of Police and won a \$1,300 AED for the department.

Hoskins said last night at the MWA meeting, they discussed the avian flu. The USDA, DNR presented a sales pitch for the diseased birds to be trucked and put into the landfill. There was a lot of debate over this and it came down to a vote with 10 agreeing and 3 opposing and 1 abstention. Hoskins said he voted no. He said the H5N2 virus is only two years old and no one could tell us how it has been migrating. No one can assure us it will not migrate to humans. The precautions they are taking look like

something from a science fiction moving. Everyone involved is dressed in hazardous materials. When trucks go into a site, they are decontaminated and once it is loaded, it is decontaminated again when it leaves. There is a very specific process to unload it when they get to Metro Waste. Since the meeting last night, there are some board members who want to revisit the discussion., We asked the USDA and DNR to issue a hold harmless. They were told the US Government does not do that. Hoskins thinks there should be some assurances. Jackson said he appreciate Hoskins position on it based on the information or lack of information available. Oliver noted that MWA has just gone through a lawsuit related to some construction materials that cost a great deal, and those materials were not as sensitive as these sick birds. Hoskins noted that when you belong to the landfill, you are bound to what goes into that landfill proportionately forever. Council requests City Manager to reach out to other Cities to have discussion regarding the liability.

Mayor reported that he, Delker, Oliver and Wagoner attended the Greater Des Moines partnership meeting in Washington, D.C. It was an excellent trip with great networking opportunities and meetings. He encourages anyone who can to attend.

15-091 Delker moved Jackson seconded to **adjourn** meeting at 7:19 p.m. RC Vote carried unanimously

Tom Phillips, Mayor

Attest:

Jodi Eddleman, City Clerk